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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,169	02/25/2000	Claire Martin	Q57933	7864
7590	08/06/2004		EXAMINER	
Sughrue Mion Zinn Macpeak & Seas PLLC 2100 Pennsylvania Avenue NW Washington, DC 20037-3202			JAGANNATHAN, MELANIE	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/513,169	MARTIN ET AL.	
	<b>Examiner</b> Melanie Jagannathan	<b>Art Unit</b> 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 February 2000.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-9 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-9 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: in line 5, "dedicated a" should be changed to "a dedicated". Appropriate correction is required.
2. Claim 3 is objected to because in line 2, according to preliminary amendment filed 2/25/2000, "any one of claim 1 or claim 2" has been deleted leaving claim 3 as vague to whether it is independent or dependent on claim 1 or claim 2. For sake of present rejection, Examiner assumes claim 3 depends on claim 1.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 1-6, 8-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hoebke US 6,463,075.

Regarding claims 1-6, the claimed method in a network with a plurality of network terminators of which at least one network terminator is coupled via in-line element to line terminator by a dedicated and a common branch is disclosed by communications network composed of central station (Figure 1, element CS) and network terminals (elements T1, T2, T3, T4), where central station is coupled to network

terminals by common optical fiber link (element L) and respective individual optical fiber links (element L1, L2, L3, L4). See column 5, lines 53-64.

The claimed determining by line terminator a first plurality of bits according to an identification of selected element and a second plurality of bits according to identification of a locally predefined function, element being selected to execute function with line terminator including in grant message first and second plurality of bits and line terminator forwarding grant message to element is disclosed by central station broadcasting downstream PLOAM cell wherein contents of grant fields identify who is allowed to occupy a timeslot and if it is granted it can determine exactly from order of group identities and the order of terminals which timeslot it is to occupy. See column 6, lines 8-29, column 7, lines 53-67, column 8, and lines 1-51.

Additionally, regarding claims 6, 8, 9, the claimed element controller, downstream coupled to line terminator, associated to a selected element of a set of in-line elements to impose execution of a locally predefined function upon selected element under the central control of line terminator and includes recognizing means being coupled to input of element controller to receive grant message is disclosed by terminal receiving PLOAM downstream from central station and receiving means applies group identifier to comparator to detect match in entries of its memory, this and index of grant message are then indicated to controller which then generates activation of transmitting part of terminal to send an upstream burst in correct timeslot. See column 8, lines 9-51.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2666

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoebeke in view of Lobbett et al. US 6,201,622.

Hoebeke discloses all of the limitations of the claims except for selected element being switchable amplifier, optical amplifier as disclosed in specification. Lobbett et al. discloses use of gated optical amplifier acting as switch and amplifier in passive optical network (Figure 5, element 11/14). At the time the invention was made it would have been obvious to a person of ordinary skill in the art to modify Hoebeke with optical amplifier in PON of Lobbett et al. One of ordinary skill in the art would be motivated to do this to reduce noise problems. See column 2, lines 6-16, column 5, and lines 26-65.

### *Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lyles et al. US 5,917,822 disclose method for providing integrated packet service over shared media network.

Van de Voorde et al. US 5,754,319 disclose optical amplifier combiner arrangement and method for upstream transmission.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Jagannathan whose telephone number is 703-305-8078. The examiner can normally be reached on Monday-Friday from 8:00 a.m.-4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 703-308-5463. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Melanie Jagannathan  
Patent Examiner  
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MJ

*Melanie*  
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